

RECORDATION NO. 21742-5 FILED

APR 05 '11 -11 19 AM

SURFACE TRANSPORTATION BOARD

# FIRST UNION RAIL

One O'Hare Centre  
6250 River Road, Suite 5000  
Rosemont, IL 60018-4214

VIA UPS 2<sup>nd</sup> DAY AIR

March 31, 2011

Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E. Street S.W., Suite 100  
Washington, DC 20423  
Attn: Recordation of Railroad Equipment

**Re: Memorandum of Lease Agreement**

Dear Section Chief:

Enclosed for recordation pursuant to the provisions of 49 U.S.C. Section 11301(a) are two (2) originals and one (1) copy of a Memorandum of Lease Agreement dated January 10, 2011, a secondary document as defined in the Board's Rules for the Recordation of Documents. The enclosed document relates to the Lease Agreement which was duly filed with the Surface Transportation Board under Recordation Number 21742.

The names and addresses of the parties to the enclosed document are:

Lessor: First Union Rail Corporation One O'Hare Centre 6250 River Road, Suite 5000 Rosemont, IL 60018	Lessee: Archer Daniels Midland Company 4666 Faries Parkway Decatur, IL 62525
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A description of the railroad equipment covered by the enclosed document is for two hundred sixty nine (269) tank cars, with DMIX marks (see Exhibit A for car numbers).

A short summary of the document to appear in the index follows:      **Memorandum of Lease**

Also enclosed is a check in the amount of \$41.00 payable to the order of the Surface Transportation Board covering the required recordation fee. Kindly return one (1) stamped original of the enclosed document to the undersigned along with the additional copies.

If you have any questions regarding the above-referenced matter, please contact me at (847) 384-5397. Thank you for your cooperation in this matter.

Sincerely,

  
Marcia Dunne  
Senior Rail Documentation Specialist

Enclosures

(ADM073)

ASSGN. NO.: ADM073

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## MEMORANDUM OF LEASE

SURFACE TRANSPORTATION BOARD

THIS MEMORANDUM OF LEASE (the "Memorandum") is made and entered into as of this the 10 day of January, 2011, by and between First Union Rail Corporation ("Lessor"), a North Carolina corporation, and Archer Daniels Midland Company ("Lessee"), a Delaware corporation.

WITNESSETH:

The undersigned Lessor and Lessee have entered into that certain Lease Agreement (the "Lease"), dated as of August 25, 1997, whereby Lessor has agreed to lease to Lessee certain railcars pursuant to Rider No. 75 to the Lease (the "Rider"), as described in more particular on Exhibit A attached hereto, effective as of January 2, 2011, and subject to the terms, conditions and provisions of the above-mentioned Lease and Rider.

IN WITNESS WHEREOF, the parties hereto have each caused this Memorandum to be duly executed under seal by their respective officers duly authorized as of the date and year first above written.

## LESSOR:

## FIRST UNION RAIL CORPORATION

By: RICHARD F. SEYMOUR  
 Name: RICHARD F. SEYMOUR  
 Title: VICE PRESIDENT SALES & MARKETING

## ATTEST:

By: K.A. Dombrowski  
 Name: K.A. Dombrowski  
 Title: Director of Documentation

Executed on this 23<sup>rd</sup> day of March, 2011.

[CORPORATE SEAL]

STATE OF ILLINOISCOUNTY OF COOK

I, GEORGIA FREIBURGER, a Notary Public of the County and State aforesaid, certify that RICHARD F. SEYMOUR personally appeared before me this day and acknowledged his/her due execution of the foregoing Memorandum of Lease.

WITNESS my hand and official stamp or seal, this 23<sup>rd</sup> day of March, 2011.

Notary Public

My Commission Expires:

6-2012  
 (Notary Public)



**LESSEE:**

ARCHER DANIELS MIDLAND CORPORATION

ATTEST:

By: Randy L Jess

Name: Randy L Jess

Title: Director of Fleet Management

By: Melissa Wright

Name: Melissa Wright

Title: Rail Fleet Administrator Executed on this 11 day of January, 2011.

[CORPORATE SEAL]



STATE OF Illinois

COUNTY OF Macon

I, Rebecca J. Moore, a Notary Public of the County and State aforesaid, certify that Randy L. Jess personally appeared before me this day and acknowledged his/her due execution of the foregoing Memorandum of Lease.

WITNESS my hand and official stamp or seal, this 10<sup>th</sup> day of January, 2011.

Rebecca J. Moore  
Notary Public

Commission Expires:

05/29/13

(Notary Public)

**EXHIBIT A to MEMORANDUM OF LEASE**

**NUMBER OF CARS:**

Two hundred ~~Sixty-nine~~ <sup>(270)</sup> (269)

**DESCRIPTION OF CARS:**

Tank cars built by Trinity Industries, Inc. in 1995.

**CAR NUMBERS:**

1 DMIX 190000	39 DMIX 190039	77 DMIX 190077	115 DMIX 190116
2 DMIX 190001	40 DMIX 190040	78 DMIX 190079	116 DMIX 190117
3 DMIX 190002	41 DMIX 190041	79 DMIX 190080	117 DMIX 190118
4 DMIX 190003	42 DMIX 190042	80 DMIX 190081	118 DMIX 190119
5 DMIX 190004	43 DMIX 190043	81 DMIX 190082	119 DMIX 190120
6 DMIX 190006	44 DMIX 190044	82 DMIX 190083	120 DMIX 190121
7 DMIX 190007	45 DMIX 190045	83 DMIX 190084	121 DMIX 190122
8 DMIX 190008	46 DMIX 190046	84 DMIX 190085	122 DMIX 190123
9 DMIX 190009	47 DMIX 190047	85 DMIX 190086	123 DMIX 190124
10 DMIX 190010	48 DMIX 190048	86 DMIX 190087	124 DMIX 190125
11 DMIX 190011	49 DMIX 190049	87 DMIX 190088	125 DMIX 190126
12 DMIX 190012	50 DMIX 190050	88 DMIX 190089	126 DMIX 190127
13 DMIX 190013	51 DMIX 190051	89 DMIX 190090	127 DMIX 190128
14 DMIX 190014	52 DMIX 190052	90 DMIX 190091	128 DMIX 190129
15 DMIX 190015	53 DMIX 190053	91 DMIX 190092	129 DMIX 190130
16 DMIX 190016	54 DMIX 190054	92 DMIX 190093	130 DMIX 190131
17 DMIX 190017	55 DMIX 190055	93 DMIX 190094	131 DMIX 190133
18 DMIX 190018	56 DMIX 190056	94 DMIX 190095	132 DMIX 190134
19 DMIX 190019	57 DMIX 190057	95 DMIX 190096	133 DMIX 190135
20 DMIX 190020	58 DMIX 190058	96 DMIX 190097	134 DMIX 190137
21 DMIX 190021	59 DMIX 190059	97 DMIX 190098 <i>MSW destroyed</i>	135 DMIX 190138
22 DMIX 190022	60 DMIX 190060	98 DMIX 190099	136 DMIX 190139
23 DMIX 190023	61 DMIX 190061	99 DMIX 190100	137 DMIX 190140
24 DMIX 190024	62 DMIX 190062	100 DMIX 190101	138 DMIX 190141
25 DMIX 190025	63 DMIX 190063	101 DMIX 190102	139 DMIX 190142
26 DMIX 190026	64 DMIX 190064	102 DMIX 190103	140 DMIX 190143
27 DMIX 190027	65 DMIX 190065	103 DMIX 190104	141 DMIX 190144
28 DMIX 190028	66 DMIX 190066	104 DMIX 190105	142 DMIX 190145
29 DMIX 190029	67 DMIX 190067	105 DMIX 190106	143 DMIX 190146
30 DMIX 190030	68 DMIX 190068	106 DMIX 190107	144 DMIX 190147
31 DMIX 190031	69 DMIX 190069	107 DMIX 190108	145 DMIX 190149
32 DMIX 190032	70 DMIX 190070	108 DMIX 190109	146 DMIX 190150
33 DMIX 190033	71 DMIX 190071	109 DMIX 190110	147 DMIX 190151
34 DMIX 190034	72 DMIX 190072	110 DMIX 190111	148 DMIX 190152
35 DMIX 190035	73 DMIX 190073	111 DMIX 190112	149 DMIX 190153
36 DMIX 190036	74 DMIX 190074	112 DMIX 190113	150 DMIX 190154
37 DMIX 190037	75 DMIX 190075	113 DMIX 190114	151 DMIX 190155
38 DMIX 190038	76 DMIX 190076	114 DMIX 190115	152 DMIX 190156

153	DMIX	190157	199	DMIX	190205	245	DMIX	190621
154	DMIX	190158	200	DMIX	190206	246	DMIX	190622
155	DMIX	190160	201	DMIX	190207	247	DMIX	190623
156	DMIX	190161	202	DMIX	190208	248	DMIX	190624
157	DMIX	190162	203	DMIX	190209	249	DMIX	190625
158	DMIX	190163	204	DMIX	190211	250	DMIX	190628
159	DMIX	190164	205	DMIX	190212	251	DMIX	190630
160	DMIX	190165	206	DMIX	190213	252	DMIX	190631
161	DMIX	190166	207	DMIX	190214	253	DMIX	190632
162	DMIX	190167	208	DMIX	190215	254	DMIX	190633
163	DMIX	190168	209	DMIX	190216	255	DMIX	190634
164	DMIX	190169	210	DMIX	190217	256	DMIX	190635
165	DMIX	190170	211	DMIX	190218	257	DMIX	190636
166	DMIX	190171	212	DMIX	190219	258	DMIX	190637
167	DMIX	190172	213	DMIX	190585	259	DMIX	190638
168	DMIX	190173	214	DMIX	190586	260	DMIX	190640
169	DMIX	190174	215	DMIX	190587	261	DMIX	190641
170	DMIX	190175	216	DMIX	190588	262	DMIX	190642
171	DMIX	190176	217	DMIX	190589	263	DMIX	190643
172	DMIX	190177	218	DMIX	190590	264	DMIX	190644
173	DMIX	190178	219	DMIX	190591	265	DMIX	190645
174	DMIX	190179	220	DMIX	190592	266	DMIX	190646
175	DMIX	190180	221	DMIX	190594	267	DMIX	190647
176	DMIX	190181	222	DMIX	190595	268	DMIX	190653
177	DMIX	190182	223	DMIX	190596	269	DMIX	190657
178	DMIX	190183	224	DMIX	190597	270	DMIX	190658
179	DMIX	190185	225	DMIX	190598			
180	DMIX	190186	226	DMIX	190599			
181	DMIX	190187	227	DMIX	190600			
182	DMIX	190188	228	DMIX	190601			
183	DMIX	190189	229	DMIX	190603			
184	DMIX	190190	230	DMIX	190604			
185	DMIX	190191	231	DMIX	190605			
186	DMIX	190192	232	DMIX	190606			
187	DMIX	190193	233	DMIX	190607			
188	DMIX	190194	234	DMIX	190608			
189	DMIX	190195	235	DMIX	190609			
190	DMIX	190196	236	DMIX	190610			
191	DMIX	190197	237	DMIX	190611			
192	DMIX	190198	238	DMIX	190613			
193	DMIX	190199	239	DMIX	190615			
194	DMIX	190200	240	DMIX	190616			
195	DMIX	190201	241	DMIX	190617			
196	DMIX	190202	242	DMIX	190618			
197	DMIX	190203	243	DMIX	190619			
198	DMIX	190204	244	DMIX	190620			